



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/054,184

01/22/2002

Scott Leonard Daniels

AUS919970560US2

7036

42640

7590

08/24/2004

DILLON & YUDELL LLP  
8911 NORTH CAPITAL OF TEXAS HWY  
SUITE 2110  
AUSTIN, TX 78759

EXAMINER

WACHSMAN, HAL D

ART UNIT

PAPER NUMBER

2857

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

10,054,184

AK

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

08232004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Hal D Wachsman  
Primary Examiner  
Art Unit: 2857

1. The reply filed on 8-4-04 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

a) The reply filed on 8-4-04 is improper under 37 C.F.R. 1.121 because the status identifiers for claims 27, 29, 31 and 33 indicate "(currently amended)" however these claims have no markings to show any changes that may have been made **relative to the immediate prior version of the claims**, in this case the immediate prior version of the claims being the claims presented in the reply filed 6-28-04. In addition, review of claims 27, 29, 31 and 33, in the reply filed 8-4-04 show that they are the same version of those claims as the immediate prior version of claims 27, 29, 31 and 33 presented in the reply filed 6-28-04 and thus they are not "(currently amended)". Appropriate correction is required.

b) The reply filed on 8-4-04 is also improper under 37 C.F.R. 1.121 because the status identifiers for claims 41-52 indicate "(new)", however the "(new)" status identifier is used to indicate *claims that are being added in the current amendment paper*. Claims 41-52 were added in a previous amendment paper and not in this current amendment paper. Thus, claims 41-52 cannot be indicated as "(new)". Appropriate correction is required.

2. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid **abandonment**. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

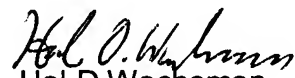
3. The Examiner respectfully notes that this is the *second consecutive notice of non-responsive amendment* sent to the Applicant. Consequently, if there should be any questions that the Applicant has with respect to the current requirements of 37 C.F.R. 1.121, the Applicant should contact the Examiner at 571-272-2225 so as to help facilitate the compact prosecution of the application.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.  
Should you have questions on access to the Private PAIR system, contact the  
Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Hal D Wachsman  
Primary Examiner  
Art Unit 2857

HW  
August 23, 2004